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Executive Order 20-03

State of Montana Office of the Governor

Executive Order Creating the Governor's Commissioner of Political Practices Advisory Council

WHEREAS, there is a Commissioner of Political Practices who is appointed by the Governor for a six (6) year term and thereafter ineligible to serve. (*See, Section 13-37-102(1), MCA and Section 13-37-103, MCA*); and

WHEREAS, the individual appointed to serve as Commissioner of Political Practices may be removed by the Governor prior to the expiration of the term only for incompetence, malfeasance, or neglect of duty (*See, Section 13-37-102(2), MCA*); and

WHEREAS, the Governor believes that the current laws pertaining to the Commissioner of Political Practices should be reviewed; specifically, in regard to qualifications and/or restrictions placed upon the Commissioner of Political Practices.

NOW, THEREFORE, I, JUDY MARTZ, Governor of the State of Montana, by virtue of the authority vested in me pursuant to the Montana Constitution and the laws of the State of Montana, do hereby create the Governor's Commission of Political Practices Advisory Council ("Council"), in accordance with the provisions of Section 2-15-122 and 2-15-102(8), MCA, for the purposes set forth below. Further, I do hereby request that the Council submit their findings and recommendations to the Governor's Office, no later than September 3, 2004.

I. PURPOSE.

The purpose of the Council shall be to assist and advise the Governor on whether the current laws that govern the Commissioner of Political Practices should be amended. Specifically, the Council shall advise the Governor on issues including, but not limited to:

1. establishing qualification criteria to be applied in the selection of a Commissioner of Political Practice, to include appropriate ethical criteria;
2. establishing restrictions that may be placed on a Commissioner at the time of appointment and through his/her term that are not discriminatory and/or unconstitutional;

3. developing disqualification criteria that allows a Commissioner to recuse herself/himself from a matter if there arises a conflict of interest; and develop procedures for the substitution of a Commissioner;
4. reviewing the current removal process of the Commissioner by the Governor, as set forth in Section 13-37-102(2), MCA;
5. developing procedures to be followed in a contested case removal proceeding, pursuant to Section 2-4-604, MCA, including an individual to be designated as the hearing examiner to preside at the hearing.

II. COMPOSITION.

The Council shall consist of nine (9) members and must include:

One member must be from the Senate and one (1) member must be from the House, representing different political parties;

Chair of the Republican Party or his/her designee;

Chair of the Democratic Party or his/her designee;

Two (2) members of the public;

A representative from the Governor's Office;

The legal advisor of the Office of the Commissioner of Political Practices(ex -officio/non-voting member); and

The Current Commissioner of Political Practices (ex -officio/non-voting member).

The Governor shall appoint a presiding officer from among its members. The names and addresses of members who shall serve at the pleasure of the Governor are to be submitted to the Secretary of State.

III. DURATION.

This Executive Order is effective on November 1, 2003 and shall terminate on December 31, 2004, unless terminated earlier by subsequent Executive Order.

This order is effective immediately.

GIVEN under my hand and the GREAT
SEAL of the State of Montana,
this ____ day of _____, 2003.

JUDY MARTZ, Governor

ATTEST:

BOB BROWN, Secretary of State



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